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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,321	06/29/2001	Preston J. Hunt	42390P11147	8383

7590

12/30/2004

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EXAMINER

POLTORAK, PIOTR

ART UNIT

PAPER NUMBER

2134

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,321

Applicant(s)

HUNT ET AL.

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-28 have been examined.

***Priority***

2. The effective filing date for the subject matter defined in the pending claims in this application is 6/29/2001.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.
4. Claims 5 and 24 are not understood. The "said files stored on the client comprises" suggests that the limitation is open-ended but it is followed by a narrow limitation "only files stored in specified directories".
5. Also, claims 5 and 24 recite: "specified" directories. The limitation is not understood since no steps of "specifying" are disclosed.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-4, 6-8, 10-13, 15-18, 20-23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by *Margolus et al.* (U.S. Pub. No. 20040143743).
7. As per claims 1 and 6 *Margolus et al.* teach a cryptographic hash function calculated from the data-item generating DATANAME 3a (Fig. 1 and [59]), which reads on generating a message digests on a client wherein said message digests uniquely identify contents of files stored on the client; depositing data into the repository, wherein DATANAME 3a is first used to checked against repository hash table (Fig. 1 and [60]), which reads on synchronizing contents of said client with a repository connected with the network based on contents of the message digests on the client and corresponding entries in a database of message digests stored on the repository. Furthermore, *Margolus et al.* teach that the repository independently recomputes the DATANAME 3a in order to verify correct transmission [60], which reads on verifying that the contents of the repository match the contents of the client.
8. As per claims 2 and 3 *Margolus et al.* teach a back up of the local file system [54] and disclose that to deposit a data-item into the repository the DATANAME 3a is first used to check whether or not the repository already contains a copy of the data-item.
9. As per claim 4 the local file system client can choose data to deposit into the repository [59].
10. As per claim 7 *Margolus et al.* teach SHA-1 [59].
11. As per claim 8 *Margolus et al.* Fig. 1 and [60] read on updating the message digest on the repository by copying the message digest from the client to the database on the repository.
12. Claims 20-23 and 25-27 are substantially equivalent to claims 1-4 and 6-8; therefore claims 20-23 and 25-27 are similarly rejected.
13. Claims 10-13 and 15-18 are substantially equivalent to claims 1, 3 and 6-8; therefore claims 10-13 and 15-18 are similarly rejected.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Margolus et al.* (U.S. Pub. No. 20040143743) in view of *McFedries* (Paul McFedries, "The complete idiot's guide to Windows 95", 2<sup>nd</sup> edition, ISBN: 0789711613).
15. *Margolus et al.* teach selecting a subset of files stored on the client. *Margolus et al.* do not explicitly teach the subset comprising only files stored in specified directories. *McFedries* teaches the importance of keeping files in directories (*McFedries* pg. 140, "Adding On: Creating Folders section"). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use directories to store files as taught by *McFedries*. One of ordinary skill in the art would have been motivated to perform such a modification in order to find things quickly (*McFedries* pg. 140 first §). Implementing *Margolus et al.* teaching when files are stored in directories would read on claim 5 and 24.
16. Claims 9, 14, 19 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Margolus et al.* (U.S. Pub. No. 20040143743) in view of *Cox et al.* (U.S. Patent No. 6438724).
17. *Margolus et al.* teach verifying that the contents of the repository match the contents of the client as discussed above. Furthermore *Margolus et al.* explicitly teach that the process of verification is applied to a data-item in order to avoid any danger of associating the wrong dataname with a given repository data-item [60]. *Margolus et al.* do not explicitly teach repeating client and repository synchronization if the error is found (if first and second cryptographic hashes do not match). *Cox et al.* teach re-sending data if an error is detected (*Cox et al.*, col. 1 lines 23-25). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to repeat client and repository synchronization if first and second cryptographic hashes do not match as taught by *Cox et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to ensure data integrity (*Cox et al.*, col. 1 lines 23-25).

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**Conclusion**

The prior art considered but not relied upon:

Shnelvar (*U.S. Patent No. 6374266*)

Masinter (*U.S. Patent No. 5742807*)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

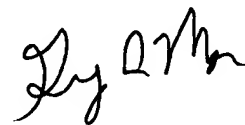
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Signature

12/17/04

Date



GREGORY MORSE  
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